E COPY

71-1660

No.

Supreme Court, U. S.
FILED
JUN 20 1972
21
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

October Term, 1971

MARGARET E. THOMPSON, et al.,
Appellate Court Case Nos. 70-80, 70-137, 70-155, 70-220, & 72-73,

Petitioners,

vs.

BOARD OF COMMISSIONERS OF THE OAK BROOK PARK DISTRICT OF DU PAGE COUNTY, ILLINOIS, et al., etc.

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

MARGARET E. THOMPSON,
RALPH B. THOMPSON
Box 133
Hinsdale, Illinois 60521
Petitioners, Pro Se.

Margaret E. Thompson
on the petition

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

INDEX

	PAGE
Opinion Below	2
Jurisdiction	2
Questions presented	5
Statutes involved	8
Statement of the case (Summary)	9
Details	9
Reasons for granting writ	19
Conclusion	24
Affidavit	25
Appendix A—Notice of Mandate in Case No. 70-137	App. 1
Appendix B—Notice of denial of Motion to Stay Mandate and furnish Certified Copy	App. 2
Appendix C—Notice of denial of petition for a Writ of Mandamus	App. 3
Appendix D—Notice of denial of Motion to disqualify Judges	App. 4
Appendix E—Notice of Order on Courts own Motion to file responsive pleading	App. 5

AUTHORITIES CITED

Case Cited

PAGE

Lynch v. Household Finance No. 70-5058, Sup. Ct. Bulletin p. B 1457 23

Statutes Cited

Civil Rights Act of 1871 22

Civil Rights Act of 1964 22

Antitrust Civil Process Act 23

28 U.S.C., 1343(3) 22

18 U.S.C., 241 and 242 23

In the Supreme Court of the United States

OCTOBER TERM, 1971

NO.

MARGARET E. THOMPSON, et al.,
Appellate Court Case Nos. 70-80, 70-137, 70-155, 70-220, & 72-73,

Petitioners,

VS.

BOARD OF COMMISSIONERS OF THE OAK BROOK PARK DISTRICT OF DU PAGE COUNTY, ILLINOIS, et al., etc.

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

Petitioners Ralph B. Thompson and Margaret E. Thompson pray that a Writ of Certiorari issue to review the judgments of the Appellate Court of Illinois, Second District in the above numbered cases.

OPINIONS BELOW

The Opinion of the Appellate Court of Illinois, Second District, in Thompson v. Oak Brook Park District, printed in Case No. 71-761 in this court, App. PP. 1, 2 and 3, Certiorari denied February 22, 1972, published 268 N.E. 2d 570, Appellate Court No. 70-137, March 26, 1971.

The Opinion of the Supreme Court of Illinois in related case, People Ex Rel Ogilvie v. John W. Lewis, Sec. of State, No. 44488, printed in Case No. 71-761, App. F. P. App. 13, September, 1971.

The Opinion of the Appellate Court of Illinois Second District, entered in Thompson v. County Board of School Trustees, Case No. 70-80, 265 N.E. 2d 168, printed in Case No. 71-235 in this court App. PP. 35 to 39, December 18, 1970.

There are no opinions in Cases numbered, 70-155, 70-220, and 72-73.

JURISDICTION

This civil action, cases, 70-137, 70-80, 70-155, 70-220 and 72-73, listed in detail in Statement of Case, were brought in the trial court in Illinois under the Administrative Review Act, of 1945 as amended or under the Illinois Revenue Act of 1939 as amended, after the Petitioners had appeared at public hearings before the administrative agencies and objected on the grounds that the ordinances or judgments were denying petitioners private rights and privileges, causing injury to them, economic and otherwise, contrary to the guarantees of the First, Fifth and Fourteenth Amendments of the U. S. Constitution.

None of the complaints was heard in the Trial Court.

The Appellate Court of Illinois, Second District, has given opinions in two of the cases, as stated above, but no Notice of Final Judgment was given. In all cases the final

judgments of the Appellate Court have been isued as Mandates to the Circuit Court of the 18th Judicial Circuit, Du Page County, Illinois.

None of these Mandates contain a file date stamp, none is certified by the clerk of that court as to the date of entry or filing; in all cases Petitioners have tried to obtain certified copies to establish the time for appeal, all efforts have been frustrated.

In all cases the Illinois Supreme Court has either denied appeal or refused jurisdiction or both.

All cases have been before this court on Writs of Certiorari denied, as cases, 71-234, 235, 398 and 761. The last case denied by this court on February 22, 1972, 71-761, Thompson v. Board of Commissioners of Oak Brook Park District, etc., 70-137, in the Appellate Court, the Petition was directed to the Supreme Court of Illinois because the Appellate Court Clerk claimed the judgment was not final. (Petition 71-761, App. P. 4.)

On March 3, 1972 (approx.) Petitioners wrote to Judge Roy Gulley, Administrator of the Illinois Supreme Court explaining that they were unable to obtain the final judgment of the Appellate Court, certified as to the date of entering and filing. There was no answer.

On March 14, 1972 the Illinois Supreme Court Mandate Issued, on March 16 the Appellate Court Mandate Issued, Appendix A, *infra,* P. 1. On March 28, 1972 the Appellate Court denied a Motion to recall and stay its Mandate and furnish Petitioners with a copy certified as to the date it became final, App. B, *infra,* P. 2.

On March 11, 1972, People Ex Rel Clark v. Thompson was filed in the Appellate Court, (formerly Appellate No. 70-220, now 72-73) case numbers 71-234 & 398 in this court.

Also on March 28, 1972, the Appellate Court denied Petition for a Writ of Mandamus in Case No. 72-73 which would have compelled the trial court and the collector to account for taxes paid under protest, and properly certify the record. (The clerk of the trial court refused to certify the Official Transcript as part of the record after it was entered through the court and was allegedly holding $500,000 in accumulated tax protest money in a trust fund without authority including some $5,000 of Petitioners money, and still is.) App. C, *infra*, P. App. 3.

A Motion by Petitioners to Disqualify Judges was denied by Appellate Court on April 12, 1972, Appendix D, *infra*, P. App. 4.

The above Motion was based on the grounds that the Appellate Court Judges were biased and prejudiced and incapable of being fair and impartial. The judgments in all cases included herein were cited as evidence including the final judgment in case No. 70-137, where certified copy was denied on March 28, 1972, wherein the Appellate Court Mandate orders the Petitioners to pay the expenses of the Appellee and the Appellee never appeared in court.

On April 14, 1972, Petitioners Brief was filed in Case No. 72-73.

On May 19, 1972, with their Brief due on May 20, 1972, the collector forwarded a Motion to Dismiss, Petitioners did not answer and the Excerpts from Record would have been in default if the Motion were denied so Petitioners filed the Excerpts on June 2, 1972.

On June 6, or June 8, 1972, the Appellate Court ordered Petitioners to file a responsive pleading to the above Motion to Dismiss by July 15, 1972. Appendix E, *infra*, P. App. 5, on its own motion.

On June 15, 1972, Petitioners forwarded a Motion to Reconsider and Vacate the Judgment Ordering them to file a responsivle Pleading, again on the grounds of bias and prejudice, the respondents were not required to answer Petitioners Writ of Mandamus and properly certify the records even with overwhelming evidence that they are illegally holding Petitioners tax money for the last four years; all necessary and required papers are filed in this case by Petitioners. The Motion ordering Petitioners to respond to such a Motion to Dismiss is evidence that the Appella Court has no intention of hearing or considering the Brief already filed.

It is useless to apply to the Appellate Court for a stay for this appeal.

This Petition for a Writ of Certiorari will be timely filed on or before June 26, 1972.

The jurisdiction of this court is invoked under 28 U.S.C. 1257 (3), the Civil Rights Act of 1871, Sec. 1, 28 U.S.C. 1343(3), 28 U.S.C. 1331, (the amount is over $10,000.), Civil Rights Act of 1964, Title IX, Antitrust Civil Process Act (S 167 PL 87-644) and 28 U.S.C. 1341, no "Plain speedy and efficient remedy may be had in the courts of such State." This court has Jurisdiction to transfer the above cases to the Federal District Court.

QUESTIONS PRESENTED

Where the Petitioners have alleged injury to their private rights and privileges; their right to live in peace and liberty on their own land with equal treatment, and all possibility of relief is exhausted under State Statutes provided for relief, The Administrative Review Act of 1945, as amended and the Illinois Revenue Act of 1939, as amend-

er, in the Illinois Courts, this court has the power and authority to transfer the cases to a Federal District Court.

Where both the State's Attorney of Du Page County, Illinois and the Attorney General of Illinois are involved in denying the Petitioners the right to sue to protect their civil rights, and the petitioners can not obtain legal counsel and the records sought by the Petitioners might include United States Government classified Documents (There was an Anti Ballistic Missile Base planned at one time), this court has the power and authority to ask the Attorney General of the United States to intervene under the 1964 Civil Rights Act, Title IX.

Where the Petitioners have alleged that local governmental agencies have not only joined together but have also joined with private parties to deny their civil and constitutional rights in property this court has the power and authority to request the Attorney General of the United States to investigate and obtain the necessary records under the Antitrust Civil Process Act on Civil Investigative Demand.

Where the evidence is overwhelming that Petitioners are being denied the right to sue to protect their civil and constitutional rights because such suits might leave some officials and other parties open to criminal charges this court has the power and authority to request the Attorney General of the United States to investigate to determine if there is sufficient evidence to take before a grand jury.

The interpretation of the Administrative Review Act, Sec. 265, Illinois Revised Statutes, by the Illinois Courts, that review under the provisions of the Act are limited to the final decisions of such administrative agencies which,

by express reference, adopt the provisions of the Act, is void in that it is repugnant to the Federal Constitution, denies to Petitioners due process and equal protection of the laws, frustrates the purposes for which the Act was created and the evils which it was intended to prevent, and is inconsistent with the language used in the statute.

Where the Appellate Court final judgments were not reduced to writing and filed by the clerk, pursuant to Chap. 37, Sec. 41, Ill. Rev. Stat., on the date of alleged entry, they are void as being repugnant to the federal constitution and denying due process of law.

Where the Illinois Courts allowed a party not named and not identified to appear and file a Motion to Dismiss and then ambiguously called him the defendant and appellee, when the defendant and appellee did not appear their judgments are void as being biased, prejudiced and denying due process.

Where judicial review is on the records previously made and the filing of certified copies of said records is mandatory, may the Illinois Courts deny the records without interfering with the right to sue to protect civil rights.

May the Illinois Courts allow a public officer or agent who was summoned served in official capacity to appear as a private individual in a lawsuit when in so doing the records sought to be reviewed are denied without offending the civil, private rights and privileges of the Petitioners guaranteed by the Fourteenth Amendment to the U. S. Constitution.

May the trial court hold that a public officer has the same rights and privileges as a private individual without discrimination, offending the Fourteenth Amendment to the U. S. Constitution.

Where the named defendant-appellee did not appear the appellate court opinion and judgments which infer that it did appear by ambiguously using the words defendant and appellee are fraudulent and void.

May the Illinois Courts give different recognition, allowing special privileges to attorneys over and above parties who are not attorneys before the court, without denying due process and equal protection as guaranteed by state and federal constitutions.

May public officers who appear as private individuals in legal proceedings pay their expenses out of public funds without interfering with petitioners civil and constitutional rights.

Where the Appellee did not appear may the Illinois Courts order the Petitioners to pay its expenses without doing violence to Petitioners civil and constitutional rights.

Where the Illinois Trial Courts are established on a County basis and the Illinois Appellate Court, Second District, consists of thirteen of said counties may the district be divided for election purposes so that two judges are elected from Du Page County and two from Lake County, without denying to Petitioners a representative government.

All of the questions in the above cases set forth in the Petitions for Certiorari in Case Nos. 71-234, 71-235, 71-398 and 71-761 are incorporated herein as though fully set forth herein.

STATUTES INVOLVED

All of the statutes as set forth in the above petitions are incorporated herein as though fully set forth herein.

Civil Rights Act of 1871, Sec. 1, 28 U.S.C. 1343(3).

Civil Rights Act of 1964, Title IX, 28 U.S.C. 1331.

STATEMENT OF THE CASE

SUMMARY

This civil action is based on four cases which have already been to this court and certiorari denied, wherein Petitioners alleged that their private rights and privileges were denied their property is and has been in constant threat of condemnation, by the coalitional action of governmental agencies and private vested interests.

To secure thir civil rights, among others the right to live on their own land in peace, and obtain relief from constant threats and harrassment, Petitioners brought the following cases into court. In none of them has the original complant or Objection been heard. No matter what language was used, what the Illinois Courts have held in all cases is that Petitioners lack the right to sue to protect property rights. In all cases the Appellate Court final judgment was not filed nor available for an appeal on the date that court claims the orders were entered. In all cases the Supreme Court of Illinois has either denied jurisdiction or denied appeal. In all cases there were irregularities in the court procedures. In all cases Petitioners have been denied records.

These cases are listed in the chronological order in which the Appellate Court disposed of them, those judgments not heretofore printed in prior petitions appear in the appendix.

DETAILS

I. People ex rel Margaret E. Thompson v. County Board of School Trustees, et al., Appellate Court Case No. 70-155, 71-235 in this court also included in 71-398 and 71-761 in this court, Appellate Court Judgment, Case No. 71-235, Appendix pp. 23 and 24, August 7, 1970.

The trial court had given the county superintendent of schools in this case 30 days to answer as a private individual, The County Board of School Trustees did not appear, nor did the State Superintendent of Public Instruction appear within the proper time. The Appellate Court dismissed this case on its own Motion, even though there was overwhelming evidence that both the State's Attorney and Attorney General of Illinois were attempting to wilfully frustrate the administration of justice, by preventing administrative review on the record.

The Appellate Court Order was not entered until the Mandate was sent to the trial court. No copy of this certified as to the date it became final can be obtained.

This case is sitting in the trial court with a Brief filed by Margaret E. Thompson, in support of a Motion for Summary Judgment on the Pleadings. Under Illinois law, Supreme Court Rule 181, (c), the respondents had 21 days to reply, that would have been in December 1970. The court has given no ruling.

Even though the law requires, Chap. 120, Sec. 7-7, Ill. Rev. Stat., that no further action be had until the appeal is completed, one school district in this case has formed a Unit District, Grades 1 to 12, leaving out the property in question in this case, with the approval of both the County and State Superintendents of Schools, with the Petitioners paying their expenses out of Public funds, taking an integrated school system into one segregated along village boundaries, and without disclosing agreements and options on land by school districts, that affect Petitioners Property. The other school district in this case is scheduled for a public hearing on a unit district on June 23, 1972, the petitioners have also excluded the property in question in this case, which will leave the territory in no district if the Petition is granted and will segregate the children of

Oak Brook into one school district along Village lines, contrary to this court's ruling in January 1972, when they are at present integrated into three different High School districts and five elementary districts.

The land in the above case was under litigation as to ownership in the trial court at the time this case was filed and was held in a trust which concealed the actual owners, the trial court denied a Motion by Margaret E. Thompson for the Bank records to prove involvement of governmental agencies and others who are threatening her.

Only the State Superintendent, by the Attorney General of Illinois and the County Board of School Trustees and County Superintendent, by the Du Page State's Attorney appeared in the Appellate Court in this case. It is alleged in Case Nos. 71-235, 71-398, and 71-761, in this court, that the Appellate Court Judgment is void as frustrating Petitioner's Constitutional Rights.

II. People ex rel Hoffman, Now Clark v. Thompson, Appellate Court No. 70-220, Case No. 71-234 in this court. The Appellate Court Judgment was allegedly given on November 16, 1970.

The Appellate Court dismissed this appeal on the Motion of the Collector, again by the State's Attorney by allegedly Assistant State's Attorney Blair Varnes now Associate Judge Blair Varnes, however the signature on the Motion does not appear to be the signature of Blair Varnes as shown by his signature elsewhere in the record. The Motion claimed that Petitioners had done nothing after paying taxes under protest which was a ridiculous lie for the Appellate Court to believe since the Objections filed with the Clerk of the Court for Petitioners by their Attorney was in the record on appeal. Originally the Petition-

ers were notified that there would be a hearing instanter to dismiss their 1968 tax objections, which Margaret E. Thompson filed, but when they appeared in court the case number was changed to the 1967 objections which the attorney had filed. The court refused to make the State's Attorney notify the Petitioner's attorney.

Since this was a final judgment of the trial court appealable of a guaranteed constitutional right, and the trial court had no intention of hearing Petitioner's Objections and still does not have, this was appealed to the Illinois Supreme Court and on to this court Case No. 71-234, the appellate court denied Petitioners motion to stay proceedings in the trial court until appeal was completed. All during the winter of 1970 and spring of 1971, the State's Attorney kept the Petitioners running to Wheaton, Illinois in hopes of having a hearing on the tax objection cases, but always it was postponed until the Illinois Supreme Court denied Appeal on the above case.

In the interim, Blair Varnes, Assistant State's Attorney, called Petitioners to his office and offered to lower the assessed value on their land if the other allegations in the objections were dropped. His offer was declined, Petitioners are seeking to have land assessments equalized and the condemnation monkey off their back, you can not put a price on liberty and peace.

In April 1971 after Mr. Varnes was made a Magistrate, but before he was sworn in, the trial court gave petitioners two weeks to amend the consolidated tax cases to include the amounts of money to be returned. Petitioners as stated before were not interested in the money; they wanted the illegal expenditure of money that was damaging them stopped.

After spending the better part of a week with figures, you can imagine three years taxes, budget and appropriation ordinances and financial statements of many districts, the court although a hearing date was set for May 17, 1971, never saw nor heard the objections. It held what Petitioners call a Kangaroo court. The case was not on court call; court was not called to order; no clerk of the court was present; both the court and the State's Attorney frustrated the administration of justice. This was taken on direct appeal to the Illinois Supreme Court and on this court as case No. 71-398.

When this court denied certiorari on October 18, 1971, the case found its way back to the trial court by Appellate Court Mandate issued on November 19, 1971, Petitioners appeared in the trial court on November 22, 1971, on the advertisement of the County Collector that he would make application for the sale of lots and lands where taxes were unpaid and for the determination of the correctness of the amount on taxes paid under protest. Petitioners 1970 taxes were paid under protest, but no objections had been filed with the clerk of the court. Petitioners 1967, 1968 and 1969 taxes protested and objected to in the above case No. 71-234 in this court had not been distributed to the taxing units and were unaccounted for. This case was given case No. 71-604 by the clerk of the trial court, but no case was filed; the collector did not make application; none of the procedures required by the Illinois Revenue Act was complied with. Taxes paid under protest were not included in the tax judgment books, Chap. 120, Sec. 713, Ill. Rev. Stat. and the collector so testified under oath in court. What the Petitioners had asked the court was to stay the distribution of their tax money until this court finished with Case No. 71-761 in hopes of a possible answer on which was proper and available to Petitioners, Administra-

tive Review or a tax objection under the Illinois Revenue Act, and that records were vital to relief. The court held that it lacked jurisdiction in prior years taxes. Later Petitioners learned that this money is held in an alleged $500,000 trust fund by the Clerk of the trial court. Petitioners are the only parties claiming this.

The trial court also ruled on Petitioners Motion to have both the State's Attorney and the Petitioners write letters on what a conference was under Chap. 120, Sec. 675a, Ill. Rev. Stat. Petitioners claimed that it should include taking deposition and obtaining bank records of taxing districts, the counsel for the collector (he is not of record in the case as the State's Attorney) argued that it was making an agreement with the State's Attorneys office. Two judgments were entered on November 22, 1971. They were both appealed. After ruling that he would decide what a conference was the trial court entered an order, ordering the Petitioners to have a conference with the State's Attorneys office within 90 days, the other order which is judgment on lots and lands delinquent in taxes was served on Petitioners, the one ordering them to have a conference was not.

By this time Petitioners are well aware that one has to look at the court files to see what has been filed without due Notice. Late in December they discovered the order ordering them to have a conference with the State's Attorneys office, and the certificates of the Collector, County Clerk and Clerk of the Court, filed in the case after the trial court rendered judgment. Notice of Appeal was filed and the Official Transcripts Ordered. It was useless to Petition for a rehearing without the transcript, because Petitioners had to show that the Collector had testified under oath in court that taxes paid under protest were

not in the judgment books which is true, but later filed a certificate in the case with the Clerk of the Court stating taxes paid under protest which are considered delinquent were in the book, which is false. Since this might be considered constructive contempt, Petitioners wrote to the presiding Judge for a meeting on the discrepancies, who in turn wrote the State's Attorney asking him to set up a meeting. The State's Attorney wrote back to the Judge that the Notice of Appeal had been filed and the court lacked Jurisdiction but he did not notify the Petitioners.

On February 2, 1972 the court, on Petitioner's Motion, Ordered an extension of time on the appeal, a specification of errors in the record by February 9, and a hearing on the errors on February 16, 1972.

Petitioners had to go to the Hon. Judge Roy Gulley, Administrator, Illinois Supreme Court to get an original official transcript, properly certified out of the court reporter at the correct price. And it took a second call to Judge Gulley to get the transcripts for February 2 and 16.

On February 16 the State's Attorney again argued that the court did not have jurisdiction and the errors were not heard except as to the court reporter and clerk of the court, but the State's Attorney who was the prevailing party did not enter an order so the court allowed the Petitioners to enter an order on February 17, 1972, signed by the court reporter, State's Attorney and Petitioner, a second Notice of Appeal was filed, but Petitioners had to go back before the court again to get the pages numbered in the record and to have the official transcript certified by the Clerk of the court as part of the record. The transcripts although approved by the court still are not certified by the clerk of the court.

This case was appealed to the Illinois Supreme Court since that court had jurisdiction prior to the 1970 Constitution and this is not a new case, but it was transfered by the clerk of that court to the Appellate Court, where a Motion or Petition for a Writ of Mandamus under Chap. 37, Sec. 35, Ill. Rev. was filed and served on the Collector, the county clerk, clerk of Court, presiding judge, chief judge, and State's Attorney, to come up with the records of tax money paid under protest and not distributed and correctly certify the records. The Appellate Court was informed that the clerk of the trial court had told her on February 17, 1972, that he had $500,000, in a special trust fund that would eventually have to be paid back to the taxpayers, presumably this is where Petitioners tax money is. Although it was mandatory for the Appellate Court clerk to issue its summons signed by the chief judge, the Petition was denied without so doing. This was denied on March 28, 1972 the same date on which the Appellate Court denied Petitioners Motion to recall and stay their Mandate in case No. 70-137, No. 71-761 in this court, and furnish a certified copy to Petitioners Certified as to the date it became final.

On April 12, 1972 the Appellate Court denied Petitioners Motion for the judges to disqualify themselves for being biased and prejudiced. On April 14, Petitioners Brief was filed.

On May 19, 1972, with their Brief due on May 20, the State's attorney filed a Motion to Dismiss. Petitioner did not answer this. On June 3, 1972 the excerpts from Record were due to be filed and Petitioner would be in default if the Motion were denied so they were filed. On June 6, 1972, on the Appellate Courts own Motion, Petitioners were ordered to file a responsive pleading to State's Attorneys Motion to Dismiss by July 15, 1972. A Motion

to reconsider and vacate the order was filed on June 15, 1972 on the grounds of bias, prejudice and malice towards Petitioners to order them to reply when the court refused to make the appellees certify the records properly and account for Petitioners money. There is no defense for the Appellees, but the court does not need to help them out by attacking the Petitioners.

III. Thompson vs. County Board of School Trustees, Appellate Court Case No. 70-80, 71-235 in this court was decided by the Appellate Court on December 18, 1970, but their final judgment was not available for appeal and was issued on April 30, 1971 while the case was still in the jurisdiction of the Illinois Supreme Court. The Mandate orders the Petitioners to pay the expenses of the County Board of School Trustees. In Appellate Court Case No. 70-155 above the Petitioners had argued the County Board of School Trustees was not a properly functioning board containing only five members instead of the required seven and failing to appear which was mandatory. The case was included in 71-398 and 71-761, in this court because the Appellate Court Judgment was invalid and void as not being entered and available for appeal. Even if this were not so, the trial court failed to confirm the actions of the County Board of School Trustees so the case is hung up in the trial court. This is one of the agreements of 21 school districts in South Du Page County that is still causing problems. A Unit school District has been organized in one of the districts, but the school board paid the private expenses of the Petitioners who were school board members. Since no further action was allowed by the law until this appeal was completed all of these subsequent actions are invalid. The Appellate Court ruled "The allegations that the proceedings of the 'Boundary Study Steering Committee' included 'the intent of detaching further ter-

ritory from school district 86 and possibly from school district 53 causing tax losses to both districts' are far too vague and conjectural to establish the right to bring this suit'' when this point was not raised nor ruled on by the trial court and was only one of many allegations, still these things have already happened, and Du Page County schools are in a turmoil and Petitioners are put into a tighter and tighter spot for protecting their property rights. Illinois is not going to solve this problem until forced by this court.

IV. Thompson v. Board of Commissioners of the Oak Brook Park District of Du Page County Illinois, Appellate Court Case No. 70-137, 71-761 in this court. Certiorari to the Illinois Supreme Court was denied on February 22, 1972, the Illinois Supreme Court Mandate Issued on March 14, the Appellate Court of Illinois Mandate issued on March 16, 1972. This final judgment was not available for appeal. A Motion to recall and stay the Mandate for appeal to this court and to furnish the Petitioners with a certified copy certified as to the date it became final was denied by the Appellate Court on March 28, 1972. (App. p. 2).

The facts and statement of the cases are all still the same as in Case Numbers, 71-234, 71-235, 71-398, 71-761 and are incorporated herein as though fully set forth herein.

Petitioners sought the aid of Judge Roy Gulley at the end of February in obtaining the judgment of the Appellate Court but there was no answer.

The Appellate Court Judgment orders the Petitioners to pay the expenses of the appellee when the appellee never appeared in this case.

The Park Board still has money appropriated to condemn land.

REASONS FOR GRANTING THE WRIT

The Illinois Courts have acted in this matter in all cases contrary to the Fourteenth Amendment to the U. S. Constitution, and the Civil Rights Act of 1871, Sec. 1 in denying the Petitioners the right to sue to protect their civil rights, private rights and privileges, even though there are laws provided for this in the Administrative Review Act of 1945, as amended and the Illinois Revenue Act of 1939, as amended.

In all cases the Courts have gone out of their way to deny the records. Where the Administrative Review Act specifically states that Petitioners may apply for administrative review as in the school boundary cases, the Illinois Courts have found a way not to allow a complaint to be heard. Where the law is not specifically named, the Illinois Courts have picked an obscure section, Chap. 110, Sec. 265, Ill. Rev. Stat. and added the word, only, where it does not exist, claiming the law is available and applies *only* where it is adopted, when the language in the statute definitely states that the law is mandatory where it is adopted, it says nothing about limiting the application and Sec. 264 of the Act shows that the law is the State equivalent to the Civil Rights Act of 1871. The law clearly names every state agency except Judges and Courts and specifically states where a parties private rights and privileges are affected he may sue.

Where the Illinois Revenue Act gives relief to taxpayers, it gives no relief if you are not a taxpayer. The trial Court, the Appellate Court of Illinois, Second District, and the Supreme Court of Illinois, are not willing to compel statutory compliance of governmental agencies to this act.

Although some large companies as shown in the records on appeal do get refunds, Petitioners were not allowed to present any objections. This tax case gets worse every year. In case 72-73 now in the Appellate Court, not one single requirement of the statute was complied with by either the trial court or the other parties with specific duties, worse yet, the trial court has Petitioners money along with other money, where there is no authority for this and there is no court record available to show how the money went from the collector to the court.

Although the clerk of the trial court assured Petitioners that the money was carefully audited, the press has repeatedly reported that the auditor refused to approve this account, both the trial court and the Appellate Court refused to make the collector submit an accounting of tax money paid under protest, even where the law states that the trial court shall hold his office vacant for not accounting for this.

Whereas the Petitioners feel very strongly that the Illinois Courts should be forced to allow these laws to be used by the people and they may give relief to the Petitioners in the future, we are beyond the point where they can help in this case. Petitioners contend that they are being denied the records and the right to sue by the Illinois Courts for the reason that some parties might be open to criminal proceedings.

Normally criminal charges would come first and civil relief later. However in this case you have the State's Attorney of Du Page County and the Attorney General of Illinois pitted against the Petitioners; what could have been stopped by a telephone call six years ago has now reached an impossible impasse with the courts and governmental agencies joined together like the tigers in little

Black Sambo, and no one is going to turn loose until we all end up butter on someone else's pancake. In other words, the Courts have become incapable of independent action necessary to give relief.

Petitioners submit, since this court might think that if the agencies want to condemn property and they all have the right of eminent domain, why do they not go ahead and condemn it, that just the existence of these cases is reason enough.

On PP. C-78 & 79, of the First Amended Complaint in Thompson v. County Board of School Trustees, et al, Appellate Case No. 70-80, Case No. 71-235 in this court, is testimony given under oath by a developer at a public hearing in September 1966, Petitioners were objecting to the coalitional efforts of public agencies and developers as it affected them also under oath.

> "Mr. Doran: (continuing) Just sort of to go backwards here, let me—I was very interested in your comments, Mrs. Thompson, about the school, and I think that it is a very appropriate thing to ask.
>
> I would like at this time to just relate to you a little bit of what I—let's say what has been done through myself and through others here on the high school, other elementary school, the effect on taxation here, the effect of assessed value per student. . . . .
>
> Now we don't have any land where they wanted it, but they asked for assistance in acquiring it at a nominal cost, and I say a nominal, a very nominal cost.
>
> I think some others are aware of this, and I would be violating a confidence if I told you the price that was being discussed or the property involved . . . ."

Although the complaints of all the cases either contain the same or similar evidence, they were not heard by the trial court, and is offered here as proof that a coalition does exist.

And the following evidence is also just one of many in all of the cases.

On P. C-73, in the same Amended Complaint, Case 70-80 is a letter from a developer to the Village of Oak Brook, December 4, 1968.

"It is necessary to proceed now without the cooperation of Mrs. Thompson, and perhaps Mrs. Test. (next door neighbor to Thompsons) The possibilities include the exercise by the Village of its power of imminent (emminent) domain."

The statute of limitations does not run so long as these cases are in court. No agency that was involved in the land deals can afford to proceed with condemnation so long as the records if available would show that the whole think was contrived by cooperative efforts of public agencies and developers. They have to figure out how to do it without being exposed.

Petitioners submit that they are being denied civil rights under the color of State statutes and ordinances; that the Civil Rights Act of 1871, Sec. 1, gives the right to judicial proceedings to protect these rights; that where State Courts have refused to take jurisdiction and under state law a case can not be dismissed for wrong venue and 28 U.S.C. 1343(3) gives Federal District Courts original jurisdiction in all such cases that this court has the power to transfer the cases to the Federal District Court so that justice may be had.

Petitioners further submit that the Civil Rights Act of 1964, Title IX, authorizes the Attorney General of the

United States to intervene and this court has the power to request him to dc so.

Petitioners further submit that the Antitrust Civil Process Act (S 167—P L 87-664) gives the Attorney General the power to obtain the records necessary in this case by Civil Investigative Demand, and this court has the authority to request him to do so.

It is also submitted that no private party has been named by Petitioners and this is still a civil case, however, some parties have insisted on appearing as individuals and the Illinois Courts have supported this, other parties have refused to correct records that might be incriminating, so if any party is subject to 18 U.S.C. 241 or 242 the Attorney General of the United States should know how to handle it.

Petitioners are supported in their contention that property rights are civil rights by *Lynch* v. *Household Finance*, U. S. Supreme Court case No. 70-5058, Supreme Court Bulletin, P. B1457, March 23, 1972.

"The right to enjoy property without unlawful deprivation, no less than the right to speak and the right to travel, is, in truth a 'personal' right whether the property in question be a welfare check, a home or a savings account. In fact a fundamental interdependence exists between the personal right to liberty and the personal right to property. Neither could have meaning without the other. That rights in property are basic civil rights has long been established."

Petitioners submit that the opinions and judgments of the Appellate Court sought to be reviewed in Case Nos. 70-80, 70-137, 70-155, 70-220, and 72-73, are sufficient evidence in themselves to show that their personal rights

are being violated and that relief in the Illinois Courts is not possible.

Petitioners submit that there was no fair and just reason for the trial court not hearing these cases, it prejudiced no one, unless of course the action turned out to be criminal which Petitioners have not alleged.

It is submitted that the alleged $500,000 in accumulated tax protest money including some $5000.00 of Petitioners money, held in a trust fund by the Clerk of the trial court, without authority, first has to be accounted for, before it can be disposed of, and this court has the power to request the audits and records.

It is finally submitted that the Petitioners are not attroneys and are not represented by counsel, not by choice but by necessity; that they have no knowledge of any supporting case or cases in transferring a case of this nature from the State to the Federal Courts where the State Courts themselves are denying rights by not complying with the State Statutes.

CONCLUSION

For the foregoing reasons, Petitioners pray that this court issue its Writ of Certiorari to review the Judgments of the Appellate Court of Illinois, Second District in the above named cases.

Respectfully submitted,

RALPH B. THOMPSON
MARGARET E. THOMPSON
Box 133
Hinsdale, Illinois 60521
Petitioners, Pro Se.

Margaret E. Thompson being first duly sworn upon oath deposes and says that she has read and written the foregoing petition by her subscribed and that the facts contained therein are true and correct to the best of her knowledge.

.....

Subscribed and sworn to before me
this ..... day of June, 1972

.....
Notary Public

APPENDIX "A"

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT
Elgin 60120

HOWARD K. KELLETT
CLERK
312-695-3750

March 16, 1972

Hon. Robert M. Haenisch
Clerk of the Circuit Court
Court House
Wheaton, Ill. 60187

Re: Margaret E. Thompson, appellant v. Board of Commissioners of Oak Brook Park District of DuPage County, etc., appellee.
Gen. No. 70-137
(T. C. No. 69-1656-G)

Dear Mr. Haenisch:

In compliance with the provisions of Supreme Court Rule 368, I am herewith enclosing copy of the mandate of this Court in the above entitled cause.

Kindly receipt therefor on copy of letter enclosed, and return.

Very truly yours,

Howard K. Kellett, Clerk

s'
Margaret E. Thompson
Ebers, Metskas & Bjorvik

APPENDIX "B"

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT
Elgin, Illinois 60120

HOWARD K. KELLETT
CLERK
312-695-3750

March 29, 1972

The Court Has This Day Entered The Following Order In The Case Of:

Gen No. 70-137

March 28, 1972

Margaret E. Thompson, v. Board of Commissioners of the Oak Brook Park District of DuPage County, Illinois

Motion by Margaret E. Thompson, appellant, filed March 20, 1972. Motion denied.

Howard K. Kellett
Clerk

Margaret E. Thompson
Box 133
Hinsdale 60521

Ebers, Metskas & Bjorvik & Associates
120 W. Madison St.
Chicago 60602

APPENDIX "C"

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT
Elgin, Illinois 60120

Howard K. Kellett
CLERK
312-695-3750

March 29, 1972

The Court Has This Day Entered The Following Order In The Case Of:

Gen. No. 72-73

March 28, 1972

People of the State of Illinois Ex Rel James H. Clark, County Treasurer and Ex Officio County Collector of DuPage County, Illinois, etc., v. Ralph B. Thompson and Margaret E. Thompson

Motion by appellant, filed March 20, 1972, for a Writ of Mandamus. Motion denied.

Howard K. Kellett
Clerk

Margaret E. Thompson
Box 133
Hinsdale 60521

Wm. V. Hopf
State's Attorney
240 E. Willow
Wheaton 60187

APPENDIX "D"

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT
Elgin, Illinois 60120

HOWARD K. KELLETT
CLERK
312-695-3750

April 12, 1972

The Court Has This Day Entered The Following Order In The Case Of:

Gen. No. 72-73

April 11, 1972

People of the State of Illinois Ex Rel James H. Clark, County Treasurer and Ex Officio County Collector of DuPage County Illinois, etc., v. Ralph B. Thompson and Margaret E. Thompson

Motion by appellant to disqualify Justices Thomas J. Moran, Mel Abrahamson, Glenn K. Seidenfeld and William L. Guild in the above entitled cause. Motion denied.

Howard K. Kellett
Clerk

Margaret E. Thompson
Box 133
Hinsdale 60521

Wm. V. Hopf
State's Attorney
240 E. Willow
Wheaton 60187

APPENDIX "E"

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT
Elgin, Illinois 60120

HOWARD K. KELLETT
CLERK
312-695-3750

June 8, 1972

The Court Has This Day Entered The Following Order in The Case Of:

Gen. No. 72-73

June 6, 1972

People of the State of Illinois Ex Rel James H. Clark, County Treasurer and Ex Officio County Collector of DuPage County Illinois, etc., v. Ralph B. Thompson and Margaret E. Thompson

On the Court's own motion, appellant ordered to file a responsive pleading on or before July 15, 1972 to appellee's motion to dismiss appeal. (Guild, J. took no part).

Howard K. Kellett
Clerk

Margaret E. Thompson
Box 133
Hinsdale 60521

Wm. V. Hopf
State's Attorney
240 E. Willow
Wheaton 60187